

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

In re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE LITIGATION

MDL No. 1456

Civil Action: 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO:

State of Nevada v. Abbott Labs., Inc. et al.,
CA No. 02-CV-00260-ECR (Nevada I),
and

State of Nevada v. American Home Products, et al.,
CA No. 02-CV-12086-PBS (Nevada II)

**DEFENDANTS' MOTION FOR RECONSIDERATION OF
NEVADA'S MOTION FOR A PROTECTIVE ORDER RELATING
TO DEFENDANTS' DEPOSITION SUBPOENA TO MGM MIRAGE**

Defendants respectfully move for reconsideration of the Court's September 14, 2006 Order granting Nevada's Motion For A Protective Order Relating To Defendants' Deposition Subpoena To MGM Mirage (Motion No. 2966). The Court granted Motion No. 2966 on the ground that there was no opposition. As grounds for their motion, Defendants state that Defendants' opposition to the motion was timely served on all counsel of record (including Plaintiff's Counsel), via LexisNexis File & Serve, but it was not filed with the Court as a result of a filing error.

In support of this motion, Defendants submit the accompanying Memorandum of Law in Support of Their Motion for Reconsideration of Nevada's Motion For A Protective Order Relating To Defendants' Deposition Subpoena To MGM Mirage ("Memorandum") and the Declaration Of Thomas Daly In Support Of Defendants' Motion for Reconsideration Of Nevada's Motion For A Protective Order Relating To Defendants' Deposition Subpoena to MGM Mirage.

Defendants respectfully request that the Court reconsider its September 14, 2006 Order granting Nevada's Motion for a Protective Order for the reasons set forth in the Defendants' Memorandum.

Dated: New York, New York
September 19, 2006

Respectfully submitted,

/s/ Saul P. Morgenstern

Jane W. Parver (admitted *pro hac vice*)
Saul P. Morgenstern (admitted *pro hac vice*)
Samuel Lonergan (admitted *pro hac vice*)
KAYE SCHOLER LLP
425 Park Avenue
New York, New York 10022
(212) 836-8000

Karen F. Green (BBO # 209050)
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6000
karen.green@wilmerhale.com

*Attorneys for Defendant
Novartis Pharmaceuticals Corporation
on behalf of All Defendants*

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2006, I caused a true and correct copy of the foregoing, Defendants' Motion For Reconsideration Of Nevada's Motion For A Protective Order Relating To Defendants' Deposition Subpoena To MGM Mirage, to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 in MDL No. 1456.

/s/ Samuel Lonergan

Samuel Lonergan

KAYE SCHOLER LLP

425 Park Avenue

New York, New York 10022

(212) 836-8000